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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/222,494	12/29/1998	DOUGLASS J. WILSON	L09-98-033	3069
21127	7590	12/01/2004	EXAMINER	
KUDIRKA & JOBSE, LLP ONE STATE STREET SUITE 800 BOSTON, MA 02109			HO, THE T	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application No.</b> 09/222,494	<b>Applicant(s)</b> WILSON ET AL. 	
	<b>Examiner</b> The Thanh Ho	<b>Art Unit</b> 2126	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 04 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 1,3-8,11-14 and 16-21.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
MENG-LI FAN  
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The amendment filed 11/4/2004 has been fully considered but does not place the application in condition for allowance because the applicant argued the same arguments as set forth in the amendment received 5/27/2004. See Examiner's rejection argument in the Final Rejection.

The applicant argued that Cheng does not teach, "announcing to the participating application from which the data was originally obtained that the data has a changed value" (Remarks, last three paragraphs page 6 continue to page 7). In response, this limitation had been addressed in the claim rejection of the office action sent on 9/7/2004. Cheng teaches announcing to the application from which the data was originally obtained (client application 104 informs the service provider computer 102, lines 58-60 column 17) that the data has a changed value (...the recovery function deletes the files installed for the software update, restores the client computer system 101 to its configuration immediately before the installation of the product, lines 38-43 column 9; that a software update is to be undone, line 60 column 17). Basically, Cheng teaches a system of updating software program. If the client system decides to restore the software program to its original form, the update files received from the server would be removed from the client system. Such change could be considered as a changed value of the data wherein the data, or update files, are no longer being used by the client system. This changed value was also being notified to the server as discussed above.

The applicant argued that Cheng does not teach, "providing descriptive and identifying information about the data" (Remarks, last paragraph page 7). In response, the applicant argued a newly added limitation to claims 1 and 14. However, this limitation had been addressed in claim 8 rejection of the office action sent on 9/7/2004. Cheng teaches providing descriptive and identifying information about the data (...stores software update information, software products, information files, and the like. The software update information include applications, binary files, text files, and the like, for updating software products installed on client computers 101, and advertising or other information about such products useful to users for evaluating potential software for updating. Other types of information useful to providing product support, technical service, or the like may also be beneficially provided..., lines 31-40 column 6). The reference meets the limitation as claimed.